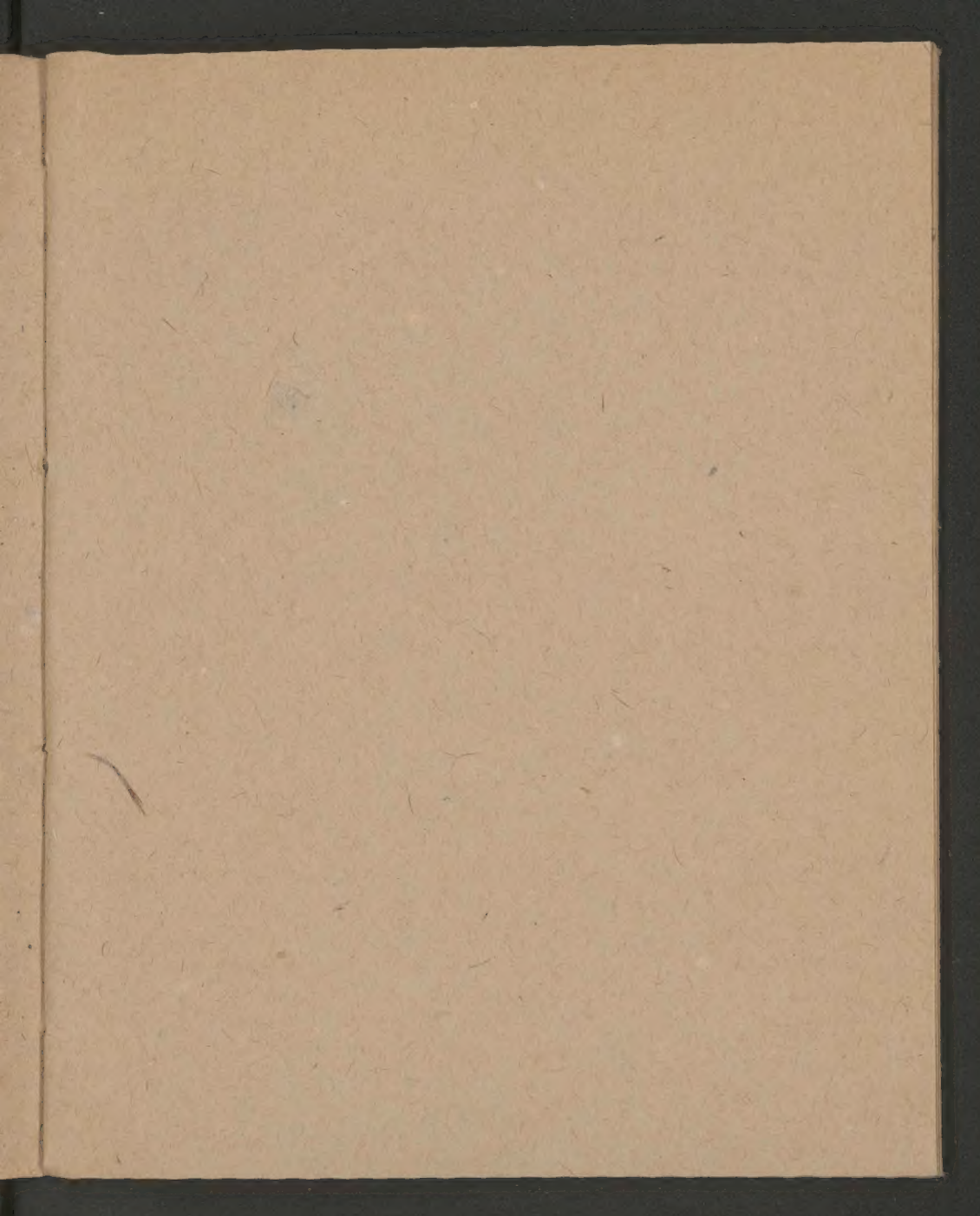


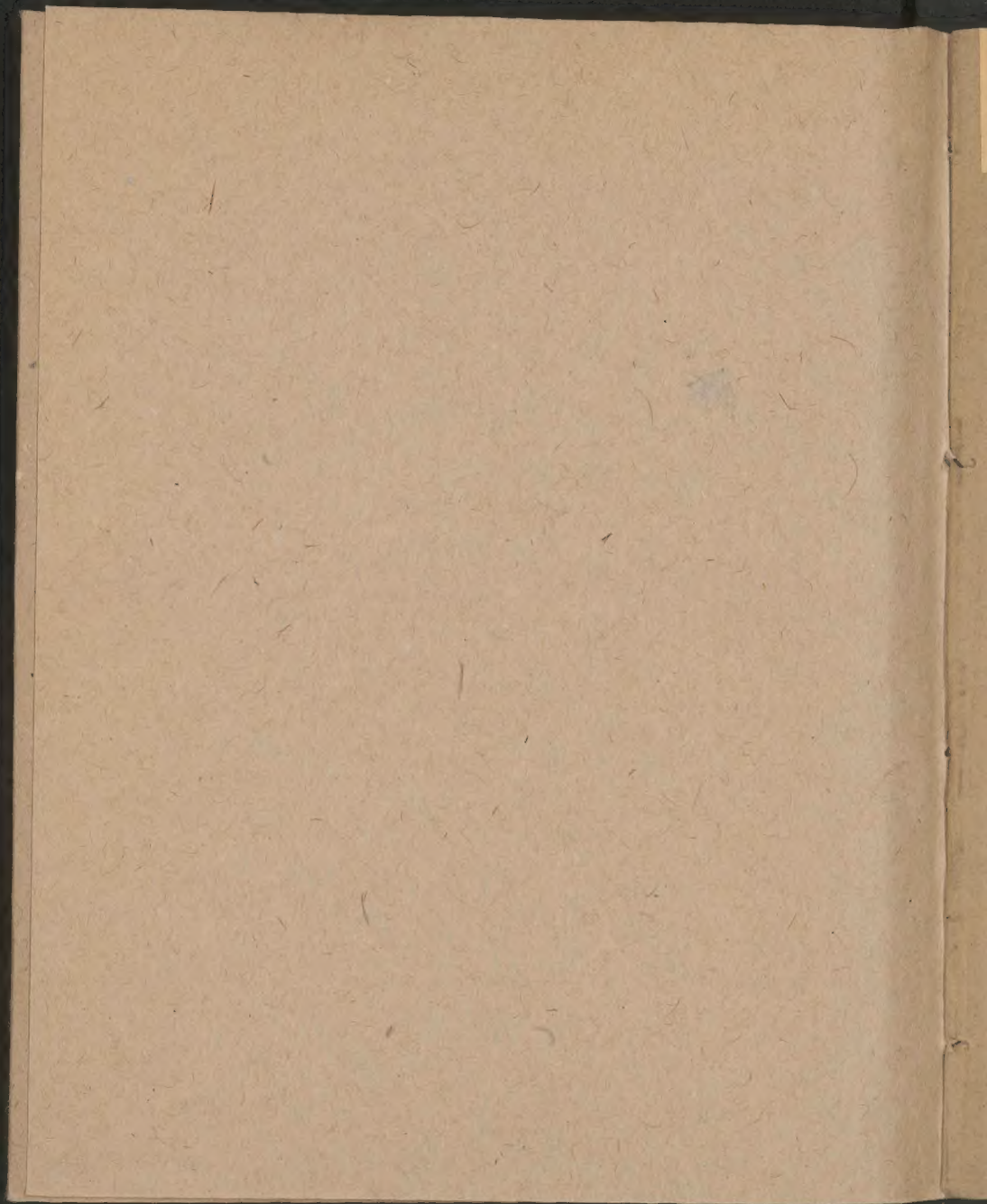
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P

(criminale)

A 232/IV/79

Pudłowski Stanisław: Quaestio de promissis
ribus in criminalibus iudiciis.

2661 Brown

QVÆSTIO

DE

PROCVRATORIBVS

In criminalibus Iudicijs.

*Ad c. 1. de Iudic. in Sexto. iun. l. tunc con-
uenit. C. de Accusat.*

A



M. STANISŁAO PYDŁOWSKI, Nouorū
Iurium Professore, & Colleg. DD. Iuris-
consultorum Collega,
Proposita ad Disputandum.

In eundem Collegij DD. Iurisconsultorum Lectorio

Die 3 Augusti, Horâ antemeridianâ.

Anno M. DC. XXXIV.

CRACOVIAE,

In Officinâ Matthiæ Andreouiensis.

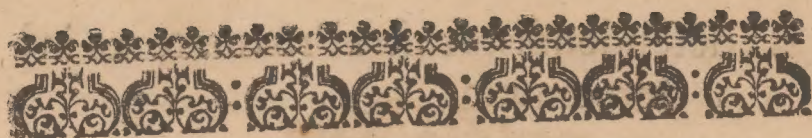
34. V. 78. 55



Sub felicitis Junis auspicijs Magnifici et Claris Junis Do-
mini, D. CHRISTOPHORI NAR-
MANOWICZ, Philosophiae et Medicinae
Doctoris, et Ordinarii Professoris, Studij Uni-
uersitatis Craconiensis Generalis
RECTORIS.

11703 I





Q V Æ S T I O

*Ad c. 3. de Iudic. in Sexto. iun. l. tunc conue-
nit. C. de accusat.*

Vtrum in Iudicijs Publicorū
priuatorumq; delictorum, &
in ijs, pro quibus pœna arbi-
trio Iudicis imponenda venit,
Procurator pro Accusatore, ad
prosequendum, & pro Reo,
ad defendendum, interuenire
debeat, nec ne?

C O N C L U S I O I.

In Criminibus publici Iudicij p̄sequēdis,
ac de-

ac defendendis, frustra Procuratores interueniunt.

COROLLARIA.

1. *In Iudicijs Publicis, parte non opponente contra Procuratorem, adhuc Iudex ex officio procedens, eum remouere debet.*
2. *Illustribus, & Præpotentibus viris Iura non suffragantur; ut in Publicis Iudicijs, per Procuratores, non per se, compareant.*
3. *Delinquens vniuersitas ordinariè debet sese tueri, in Iudicio Criminali, per Syndicum.*
4. *Quando Reus præsens est in Iudicio Criminali, potest ei Procurator assistere, & illius nomine Exceptiones, Capitula, & alias defensiones, producere.*
5. *Excusator, ad dandas causas legitimas absentiae, in Criminali Iudicio, pro Reo admitti, & audiri debet,*

CONCLUSIO II.

In causis delictorum Priuatorum, pro quibus,

bus Pœna pecuniaria, non corporis afflictiva, imponitur, Procurator pro Accusatore, vel Reo, interuenire non prohibetur.

C O R O L L A R I A.

1. *Quælibet Pœna corporalis, maior est, quâcunque Pœnâ pecuniariâ.*

2. *Quandocunque Iure communi Pœna corporis afflictiva, pro Crimine imposita, statuto vertitur in pecuniariâ principaliter; Procurator non prohibetur defendere.*

3. *Quando Pœna pecuniaria in corporalem, per accidens vertitur; scilicet quia aliquis Pœnam pecuniariam soluere non valens, punitur in corpore, nihilominus per Procuratorem sese defendere permittitur.*

4. *In quibus casibus Procurator pro Reo Criminoso admittitur, mandatum specialissimum exhibere tenetur.*

5. *Si alicuius Criminis Pœna ab initio incerta, pendente Iudicio certa ex euentu redditur,*
quod

*quod sit corporalis, Procurator in eo Iudicio non
admittitur.*

CONCLUSIO III.

Iudex in causis delictorum, ad Pœnam arbitrio suo reservatam procedens, eodem arbitrio, regulato tamen, pro qualitate causæ, vtitur, in admittendo, vel reijciendo Procuratore.

COROLLARIA.

1. *Falsa est opinio eorum, qui in causis delictorum, omnes Pœnas, arbitrias esse, temere asserunt.*

2. *Iudex arbitrium habens, in causis Criminalibus, pro qualitate delicti, Pœnas exasperare, & mitigare potest.*

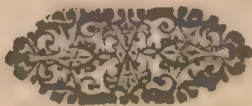
3. *Iudici in causis Criminum arbitrarijs admittenti, vel reijcienti Procuratorem, ante definitivam sententiam, nulla necessitas imponitur; quominus, pro exigentia negotij, Principalem*

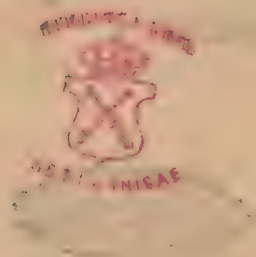
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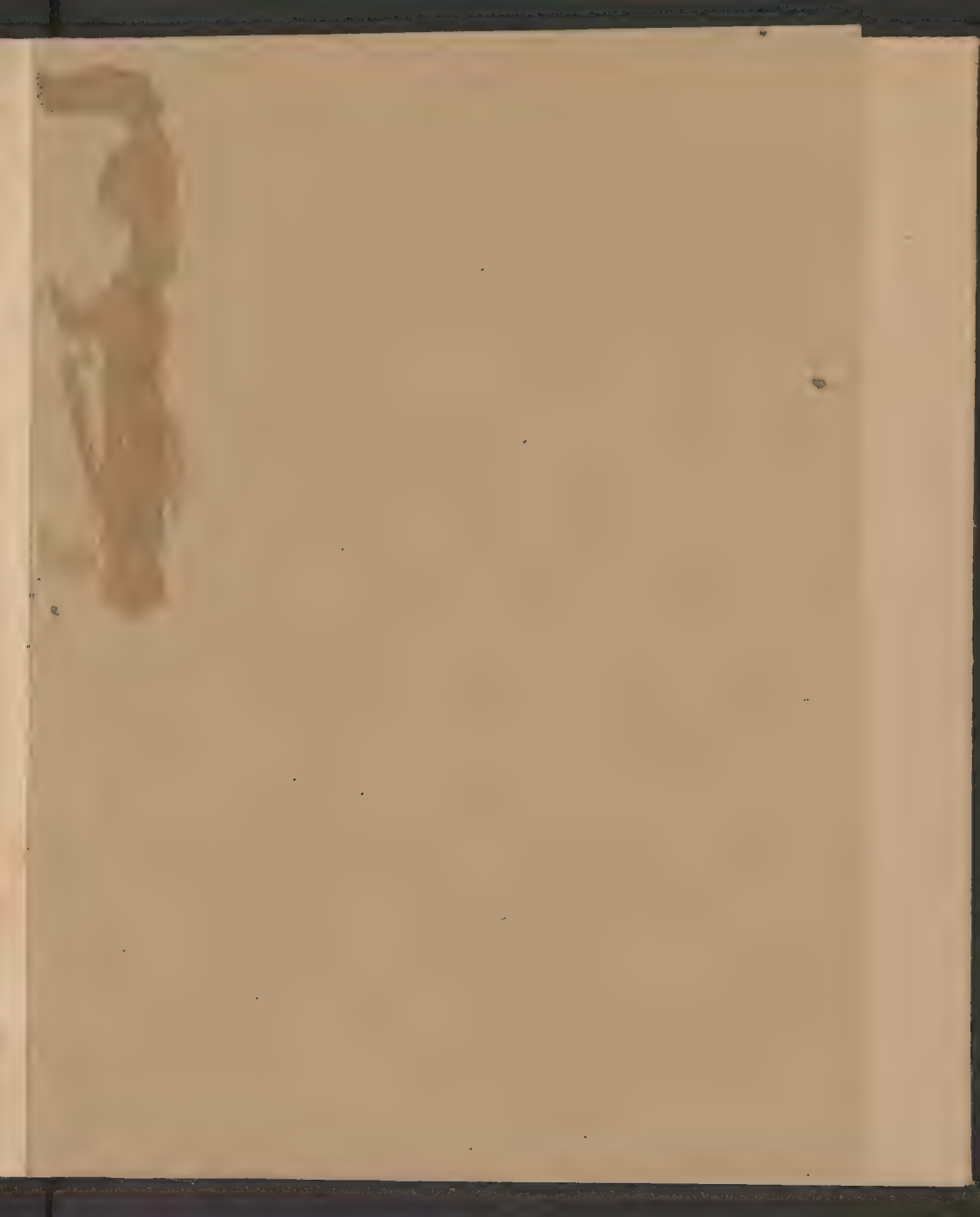
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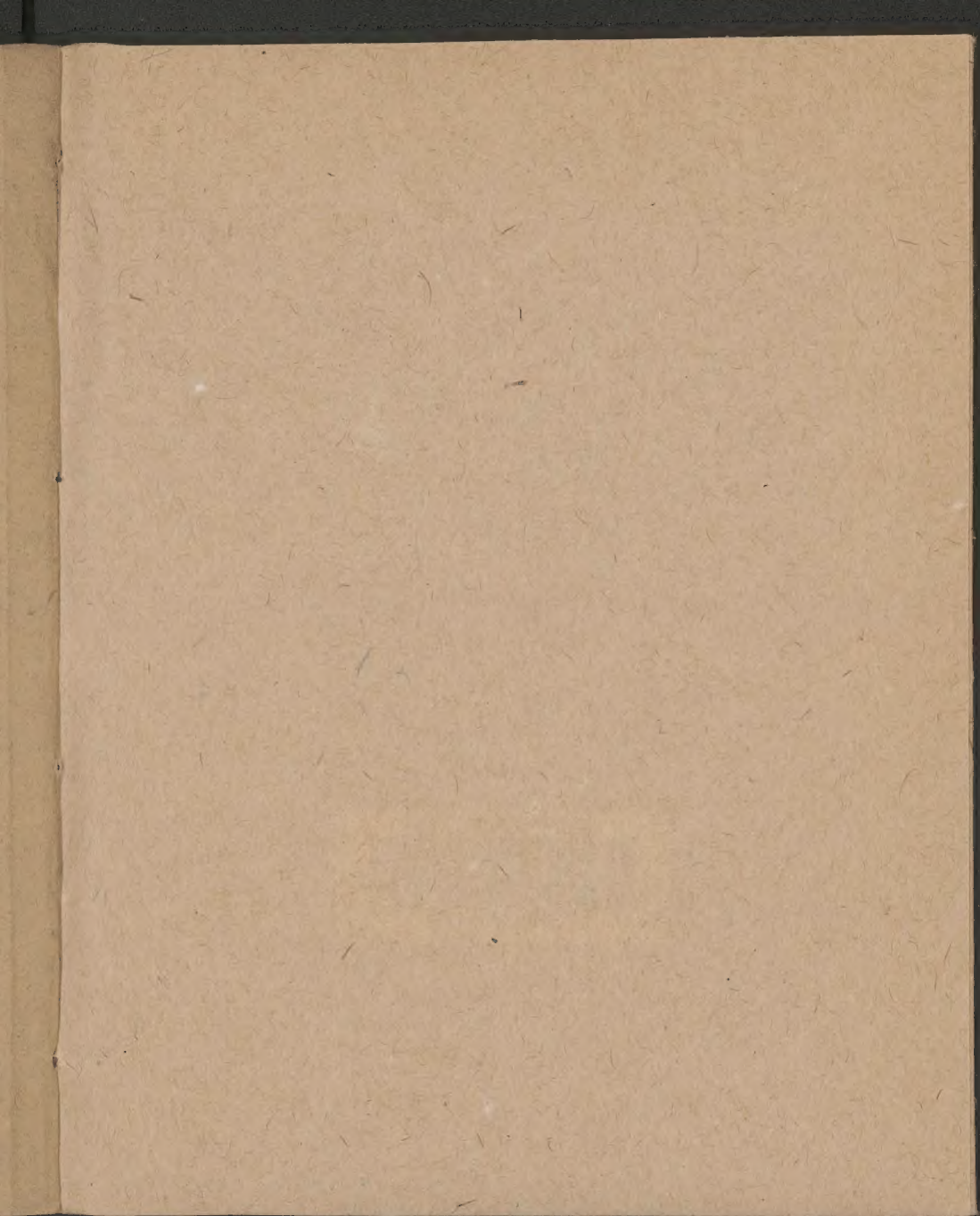
4. *Quamvis Reus mandatum speciale Procuratori dederit, ad sic, & non aliter respondendum, in causa delicti; potest tamen Iudex adhuc Reum compellere, ut per se, & non per Procuratorem, respondeat.*

5. *Quando poena arbitrio Accusatoris ob delictum imponenda venit, an Procurator admitti debeat, nec ne, dubium resolvetur; ex petitione Accusatoris, ad Pœnam corporalem, vel pecuniariam, agere volentis.*











Biblioteka Jagiellońska



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